

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMERISERV FINANCIAL BANK,)
)
 Plaintiff,) Civil Action No. 07-1159
)
 v.) Magistrate Judge Bissoon
)
COMMERCEBANK, N.A.,)
)
 Defendant.)

ORDER OF RECUSAL

In a letter dated August 4, 2008, counsel for Defendant has advised that the law firm Cohen & Grigsby represents the plaintiffs in related litigation now pending before the Court of Common Pleas of Allegheny County, Pennsylvania. *See* Ltr. attached as Appendix A hereto (citing William B. Spence, et al., v. CalChase Med, LLC, et al., G.D. 07-013561 (filed Jun. 26, 2007)). Given that the Spence plaintiffs seek substantially similar relief against Commercebank as does Plaintiff here, recusal is appropriate under 28 U.S.C. § 455(a). *See id.* (federal magistrate judge “shall disqualify [her]self in any proceeding in which [her] impartiality might reasonably be questioned”).

The undersigned therefore RECUSES from the above-captioned case.

IT IS SO ORDERED.

August 18, 2008

s/Cathy Bissoon
Cathy Bissoon
United States Magistrate Judge

cc:

John R. O'Keefe, Jr., Esq.
Michael P. Robic, II, Esq.
Louis DePaul, Esq.